

APPEAL NO. 022826
FILED DECEMBER 30, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on October 3, 2002. The record closed on October 7, 2002. With respect to the issues before her, the hearing officer determined that the appellant's (claimant) compensable injury of _____, extends to include an injury to the cervical spine, but does not extend to include a right rotator cuff tear, right carpal tunnel syndrome (CTS), and/or an injury to the thoracic or lumbar spine; and that the claimant did not have disability from February 14, 2002, through the date of the hearing as a result of the _____, compensable injury. In her appeal, the claimant contends that the hearing officer's determination that the compensable injury does not include a right rotator cuff tear, right CTS, and/or an injury to the thoracic or lumbar spine and that she did not have disability from February 14, 2002, through the date of the hearing are against the great weight of the evidence. The appeal file does not contain a response to the claimant's appeal from the respondent (carrier). In addition, the carrier did not appeal the determination that the claimant's compensable injury includes an injury to the cervical spine and that determination has, therefore, become final pursuant to Section 410.169.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant's compensable injury did not extend to include a right rotator cuff tear, right CTS, and/or an injury to the thoracic or lumbar spine, and that she did not have disability, as a result of the compensable right shoulder and cervical injury, from February 14, 2002, through the date of the hearing. Those issues presented questions of fact for the hearing officer to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the trier of fact, the hearing officer resolves the conflicts and inconsistencies in the evidence and decides what facts the evidence has established. Texas Employers Ins. Ass'n v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). The hearing officer was acting within her province as the fact finder in determining that the claimant did not sustain her burden of proving that her compensable injury included a right rotator cuff tear, right CTS, and/or an injury to the thoracic or lumbar spine. The hearing officer was also free to determine that the claimant did not have disability from February 14, 2002, through the date of the hearing. Nothing in our review of the record reveals that the challenged determinations are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Accordingly, no sound basis exists for us to reverse the extent-of-injury and disability determinations on appeal. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **AMERICAN CASUALTY COMPANY OF READING, PENNSYLVANIA** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM
350 NORTH ST. PAUL
DALLAS, TEXAS 75201.**

Elaine M. Chaney
Appeals Judge

CONCUR:

Chris Cowan
Appeals Judge

Robert W. Potts
Appeals Judge